

**STATEMENT UNDER ARTICLE 19(1)**

In accord with PCT Article 19, Applicant respectfully submits the following amendments and statement in response to the International Search Report and Written Opinion mailed on 7 July 2005.

Applicant respectfully submits the attached substitute claims to replace the originally filed claims in their entirety.

**Statement**

The Examiner is respectfully thanked for the thoughtful consideration provided to this application. Reconsideration of this application is respectfully requested in light of the following statements.

Please note that Applicant is headquartered in New Orleans, Louisiana, and has its primary research facility in southern Mississippi. Due to the severe disruptions caused recently by Hurricane Katrina, Applicant regrets that it is unable to respond as fully as it might have preferred to the Written Opinion, and welcomes the opportunity to engage in further dialog with the Examiner.

Claims 1-34 are now pending in this application. Each of claims 1, 18, and 23 are in independent form.

Claims 2-13, 15-17, 19-22, and 24-34 are unchanged.

Each of claims 1, 14, 18, and 23 has been amended for reasons unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Each of claims 1, 18, and 23 has been amended to recite that "the composition releases heat when an ambient temperature is about 5°C to about -15°C". Claim 14 has been amended to recite that "the composition releases heat when an ambient temperature is about 3°C to about -14°C".

### **Novelty**

The Written Opinion contends that each of claims 1, 3-20, and 22-34 fails to meet the criteria under PCT Article 33(2) due to alleged anticipation by Devonport (U.S. Publication No. 2003/0232914 A1). These contentions are respectfully traversed.

The Written Opinion contends that each of claims 1, 3-13, 18-20, 22, 23, and 28 fails to meet the criteria under PCT Article 33(2) due to alleged anticipation by Fujimoto (U.S. Publication No. 2003/0054170 A1). These contentions are respectfully traversed.

Applicant respectfully submits that each of independent claims 1, 18, and 23 recites, yet neither Devonport nor Fujimoto appear to teach or suggest, explicitly or inherently, that “the composition **releases heat** when an ambient temperature is about 5°C to about -15°C”.

### **Conclusion**

It is respectfully submitted that, in view of the foregoing amendments and statements, the application is in clear condition for a favorable International Preliminary Examination Report.

Reconsideration, withdrawal of all grounds of contention, and issuance of a favorable International Preliminary Examination Report are earnestly solicited.

The Examiner is invited to contact the undersigned at 434-972-9567 to discuss any matter regarding this application.